

REMARKS

Claims 1 – 14 are pending. The applicant respectfully requests reconsideration and allowance of this application in view of the following remarks.

Claims 1 and 3 – 8 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0175490, Sakai et al. (“Sakai”) in view of U.S. Patent No. 6,327,528, Vallette et al. (“Vallette”). Claim 2 was rejected under 35 USC 103(a) as being unpatentable over Sakai and Vallette, further in view of U.S. Patent No. 6,555,766, Breed et al. (“Breed”). Independent claim 9 and claims 10 – 14 were rejected under 35 USC 103(a) as being unpatentable over Sakai in view of Vallette and Breed. The applicants respectfully request that this rejection be withdrawn for reasons including the following, which are provided by way of example.

Independent claims 1 and 9 recite, in combination, for example, that the “load sensor is supplied with electrical power from said power supply section of said control apparatus, and said control apparatus further comprises at least one connecting lead for supplying the electrical power from said power supply section to said load sensor independently of the supplying of electrical power to said processing section.”

To properly reject a claimed invention, the examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness with respect to a claimed invention, all the claim limitations must be taught or suggested by the prior art reference (or references when combined). *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The office action cites Sakai’s “figure 4, the left branch electrical connection between the power source circuit and item 20, to the load sensors (21, 22, 23 and 24)” as disclosing the above-mentioned element. To the contrary, Sakai does not teach or suggest the recited element.

Firstly, Sakai's Fig. 4 is not a detailed circuit diagram which shows actual or physical connecting leads. According to Sakai, Fig. 4 is merely a "block view illustrating an electric structure..." (paragraph 0012). It conceptually illustrates how signals are transferred between respective blocks of the system. In addition, it indicates that the power source circuit supplies electrical power directly to the CPU 26.

The "item 20" referred to in the office action is the "occupant judging apparatus" (e.g., paragraph 0023). "Item 20" encompasses the CPU 26 and the power source circuit, as well as the sensor signal input circuit 27 which includes a set of four active filters 27a – d. According to Sakai, "Load signals from the load sensors 21, 22, 23, 24 are inputted to the CPU 26 via the active filters 27a, 27b, 27c, 27d" (paragraph 0023). The arrow lines shown extending between load sensors 21 – 24 and corresponding active filters 27a – d are signal lines, not power supply leads.

As further confirmation that the arrow lines are signal lines, not power supply leads, note that the connection between the power source circuit and the CPU 26 is indicated by a plain line rather than an arrow line, because it does not indicate a transfer of signals from the power source circuit to the CPU 26.

Accordingly, and to the contrary of the office action, Sakai fails to indicate or describe a "left branch electric connection between the power source circuit and item 20, to the load sensors."

Assume for the sake of argument that the arrow lines are intended to signify not only transfer of signals (from the load sensors 21 – 24) but also power supply to the load sensors (although applicants deny the same). There is no indication that this supplying of power to the load sensors is independent of the supplying of power to the processing section (CPU 26).

Furthermore, there is no discussion in Sakai at all of whether power is supplied to the load sensors 21 – 24. Accordingly, Sakai fails to teach or suggest “supplying the electrical power ... to said load sensor independently of the supplying of electrical power to said processing section.”

The applicants have provided herein a selection of some examples of limitations in the claims which are neither taught nor suggested by Sakai nor the other references of record.

Hence, Sakai, Vallette and/or Breed, alone or in combination, fail to teach or suggest the combination of features recited in independent claims 1 and 9, when considered as a whole.

With respect to the rejected dependent claims, the applicants respectfully submit that these claims are allowable not only by virtue of their dependency from independent claims 1 and 9, but also because of additional features they recite in combination.

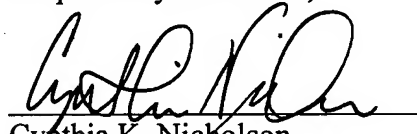
The applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. The applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, the applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

The applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicant respectfully submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cynthia K. Nicholson', written over a horizontal line.

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